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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,396	02/05/2002	Richard St.Clair Bailey	MSI-1006US	4779
22801	7590	02/09/2006		EXAMINER
LEE & HAYES PLLC				ROSWELL, MICHAEL
421 W RIVERSIDE AVENUE SUITE 500				
SPOKANE, WA 99201			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/072,396	BAILEY ET AL.
	Examiner	Art Unit
	Michael Roswell	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 November 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 34,37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 34,37 and 38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1812005, 07012005
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

This Office Action is in response to the amendment to the claims filed 18 November 2005. Although claim 3 was previously indicated as allowed, and allowable subject matter noted, further search and consideration of the claims revealed prior art relevant to the claimed invention. A non-final rejection of the claims follows herewith.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 34, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Major et al (US Patent 6,993,508), hereinafter Major, and Wason et al (US Patent 6,701,383), hereinafter Wason.

Major teaches receiving selections from an OEM GUI software to determine the configuration and appearance of a displayed list (taught as the use of a web browser for displaying information to a user, at col. 6, lines 30-34. Many different web browsers are well known in the art, such as Microsoft Internet Explorer, Netscape Navigator, and Mozilla Firefox. It is inherent that each of these browsers include OEM GUI software for displaying data to a

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user in the distinct style of the browser), accessing a generic data source that contains one or more or the items (taught as the use of a Download Manager and Play List Manager, which may be either a plug-in or JavaScript program and therefore capable of being added to the OEM software, to request web pages detailing available downloads, at col. 6, lines 42-46), populating the displayed list with the items from the generic data source according to one or more scrolling events (taught as the interaction of the Play List Manager with the web browser to facilitate user selection of an item from the playlist. Playlists are well known in the art, and commonly include a number of selections longer than the available display space for the playlist, which results in the use of scrolling events to display the further available selections, as is commonly found in media players such as Windows Media Player and WinAmp, as well as many html objects such as selection boxes), wherein the OEM GUI software is configured independently of the one or more media (taught through the use of an OEM GUI, as the OEM GUI software is inherently configured prior to interacting with any supplemental data or media).

However, Major fails to explicitly teach the instructions being executable on different computing platforms and in different applications to provide the displayed list.

Wason teaches the use of plug-ins with different media players and web browsers, similar to that of Major. Furthermore, Wason teaches an abstraction layer for providing a uniform interface between a framework and one or more plug-ins, which allows for instructions being executable on different computing platforms and in different applications to provide a displayed list. See Wason, col. 2, lines 26-27 and 51-62.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Major and Wason before him at the time the invention was made to modify the Digital Content browser of Major to include the platform independent plug-in capabilities of Wason.

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One would have been motivated to make such a combination for the advantage of building a single, platform independent version of a plug-in or other such software, capable of extending similar functionality to a number of different frameworks and media players. See Wason, col. 2, lines 1-24.

***Response to Arguments***

Applicant's arguments with respect to claims 34, 37 and 38 have been considered but are moot in view of the new ground(s) of rejection.

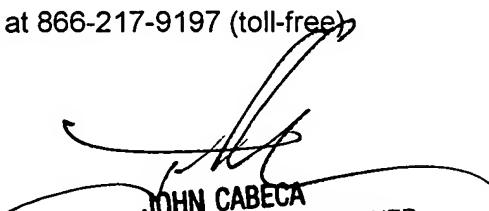
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell

  
JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100